

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-13545
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JULY 12, 2007 THOMAS K. KAHN CLERK
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D.C. Docket No. 02-80884-CV-DMM

BARBARA BLANKENSHIP,

Plaintiff-Appellant,

versus

SMITHKLINE BEECHAM CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(July 12, 2007)

Before WILSON, PRYOR, and COX, Circuit Judges.

PER CURIAM:

The Plaintiff, Barbara Blankenship, appeals following the grant of summary judgment in favor of the Defendant, Smithkline Beecham Corporation.

Blankenship presents two arguments on this appeal. First, she argues that the district court abused its discretion in refusing to enforce the pretrial stipulation relative to reinstatement of benefits and erred in failing to order reinstatement of her benefits when remanding to the claims administrator. We reject these arguments for two reasons. First, the pretrial stipulation was ambiguous when applied to a remand order of this kind. Second, the district court did not act improperly in declining to "reinstate" benefits payable under the Plan's second-level definition of disability because neither the district court nor the claims administrator had determined that Blankenship was entitled to such benefits.

Blankenship's second argument on appeal is that the district court erred in granting summary judgment to Smithkline. We conclude that summary judgment was properly granted for the reasons stated in the district court's well-reasoned opinion.

(R.2-98.)

AFFIRMED.